IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Bartley, *et al.*	Docket No.:	ROC920010184US1
Serial No.:	09/892,435	Group Art Unit:	2143
Filed:	6/27/2001	Examiner:	Bilgrami, Asghar H.

5   TITLE: Apparatus, Method, And Business Method For Enabling Customer Access To Computer System Execution Data In Exchange For Sharing The Execution Data

REPLY BRIEF

Mail Stop APPEAL BRIEF - PATENTS
10   Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

This Reply Brief is filed to address issues raised in the Examiner's Answer dated
15   8/17/06.

ARGUMENT

Issue 1:   **Whether claims 1-29 are unpatentable under 35 U.S.C. §103(a) over Mikami (5,704,031) in view of Day (U.S. Pub No. 2002/0147757 A1).**

5   Applicants reaffirm the arguments made in the Appeal Brief filed on 04/17/2006, which are incorporated herein by reference.

Applicants traverse the Examiner's characterization of the cited art and the finding of obviousness. Applicants believe the Examiner has incorrectly characterized the claims and the prior art and perhaps does not understand the claimed invention. The

10   claimed execution access mechanism may correspond somewhat to the prior art access privilege mechanism, but the execution data transmission mechanism in combination with the other claim elements is much different then Day's access privilege mechanism.

In the Examiner's answer, the Examiner characterizes the claims reading on the prior art as follows:

15   "computer A's right to access computer B's data is based upon enabled or disabled access rights for computer A in the access privilege mechanism."

Let us apply the Examiner's above argument with respect to claim 6 as an example. First it is necessary to determine the relationship between "computer A" and "computer B", as used in the Examiner's arguments, with the claimed limitations of "first computer" and

20   "second computer." Since the first computer is the one that would access data on the other computer, the first computer must needs be associated with the Examiner's "computer A", and thus "computer B" would be the second computer. (To assume the correlation of computer B and computer A with First computer and Second computer respectively would not make any sense because access of execution data in (B3) of claim

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6 is local access. Similarly, access in claim 1 is local access.) So if we re-write it, the Examiner's argument would be as follows:

> "First computer's right to access the second computer's data is based upon
> enabled or disabled access rights for the first computer in the access privilege
> mechanism."

While the above statement sounds true with respect to the prior art, it does not relate to the claims as suggested by the Examiner. The statement above sounds like the typical situation where a first computer has limited access to a second computer. However, the claims are not just concerned with the typical situation of an access privilege mechanism. The claims, such as claim 6, have a limitation on the condition of access for the user of the second computer to access data on his own computer. The limitation (B3) in claim 6 limits a user of a computer (second computer) to be able to access data on the same computer only when execution data is provided to another computer (First computer) through the execution transmission mechanism. This feature is not even addressed in the Examiner's arguments.

It appears that the Examiner does not fully understand the claims and the invention. For example, if element (B3) of claim 6 were to say "an execution data access mechanism that allows access to the execution data by a user of the **first computer** only if the execution data transmission mechanism is enabled", then the Examiner's arguments would make perfect sense. However, claim 6 (and similarly the other claims) includes an explicit limitation for access to the execution data on the **second computer**, not just the first computer.

Essentially this means that in the claimed invention, there is conditional access to the execution data on **both ends** depending on the state of the execution data transmission mechanism. Claim 6 also implies a limitation to the access to the execution

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data by the first computer, since the execution data transmission mechanism is not enabled. This means that the second computer (computer B) could not access the data unless first computer (computer A) could also access the data (through enabling the execution access data mechanism). The Examiner's arguments focus on the typical

5   privilege access, and in fact focus on access from the wrong end compared to the claims. The Examiner's arguments do not properly characterize the claims in relationship to the cited art. The Examiner's cited art and arguments do not cover all the elements of the claims. The Examiner has failed to establish a prima facie case of obviousness. Applicants respectfully request the board to reverse the Examiner's rejection of claim 6

10   under 35 U.S.C. §103(a).

The Examiner's argument is essentially the same for the other independent claims and is similarly flawed for each of these claims. Applicants respectfully request the board to reverse the Examiner's rejection of all the claims under 35 U.S.C. §103(a).

The Examiner's arguments in the Examiner's answer has the same basic flaw that applies to all the claims. Claims 1-29 are addressed in this Appeal. For the reasons articulated above, applicants maintain that the rejections of claims 1-29 under 35 U.S.C. §

5   103(a) is erroneous.

Applicants respectfully submit that this Reply Brief fully responds to, and successfully contravenes, the issues raised in the Examiner's Answer and respectfully requests that the final rejection be reversed and that all claims in the subject patent application be found allowable.

10   Respectfully submitted,

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